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ABSTRACT

The Model State Subsidized Adoption Act, developed to supplement existing state statutes, is presented in full, with accompanying Model Regulations. The act is designed to help provide a child in special circumstances with a permanent adoptive home. When efforts to achieve placement without subsidy have failed, the Act would provide that the child be certified as eligible for subsidized adoption, under the following conditions: physical or mental disability, emotional disturbance, recognized high risk of physical or mental disease, age disadvantage, sibling relationship, racial or ethnic factors, or any combination of these conditions. It is noted that certifying the child as eligible for subsidy places emphasis on the child and his needs, rather than on the financial ability of the adoptive parents to meet those needs. The text of the Act is accompanied by a discussion of the background of subsidized adoption in the United States. A supplementary section presents a comparison of the Model Act with existing state laws. Tables are included. (Author/BF)

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Subsidized Adoption in America

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FOREWORD

Currently this country faces the painful situation of an increasing number of children who need to be adopted but whose circumstances make adoption difficult or impossible. They are children who have established significant emotional ties with their foster parents, or children with physical, mental or emotional handicaps, children of various minority groups, older children, or siblings who should not be separated. Many such children are legally free for adoption, others remain for long periods in foster care. Both groups of children have been left in limbo, relegated to institutional care or the uncertainties of foster homes - at substantial cost to the states and at lifelong human cost to the children. Their lives have been stunted or marred for lack of the nurturing warmth provided by true membership in a family.

The relatively new idea of subsidized adoption has developed as the means to help these children with special needs or in special circumstances. Under this plan the state acts to provide a subsidy for them and makes it possible for qualified families to assume permanent responsibility for these children. The subsidy provides reimbursement after the child has been placed for adoption according to a prior agreement between the adoptive parents and the licensed social agency with legal jurisdiction over the child. Such an agreement is tailored to the child's specific needs, and may allow for determined medical, legal or other costs; a monthly reimbursement for a limited time; a monthly reimbursement that continues until, and very occasionally after, the child has reached majority.

The Model State Subsidized Adoption Act and the accompanying Model Regulations are intended to contribute to the achievement of a most important goal of the Children's Bureau in the Office of Child Development, within the Office of Human Development: the improvement of the quality of services to those children requiring care from others than their biological parents. The development of these models was effected by Professor Sanford N. Katz of Boston College Law School as project director of an OCD/CB grant to the Child Welfare League of America.

Over 1,500 people were involved in the preparation of these documents. Many complex issues were considered by ad hoc committees which included representatives of states, the Child Welfare League of America, the American Academy of Pediatrics, the National Conference of Commissioners on Uniform State Laws, the National Association for the Advancement of Colored People, the National Urban League, the National Bar Association, the American Bar Association, the National Council of Juvenile Court Judges, the Black Child

Development Institute, adoptive parents, as well as Indian, Spanish-surnamed, and Black citizens and representatives of minority groups. While full consensus was not always possible, these models represent the best concepts and practices available today.

This present publication is the work of Ursula Gallagher, formerly Specialist on Adoptions and Services to Unmarried Parents, Children's Bureau, OCD, until her recent retirement, and Professor Katz. The authors gratefully acknowledge the assistance of Clara Swan and of the Child Welfare League of America under whose auspices Professor Katz drafted the Model State Subsidized Adoption Act. They also wish to recognize the important contributions of Ruth-Arlene Howe and Melba McGrath.

Frank Ferro
Associate Chief
Children's Bureau

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CONTENTS

	Page
Subsidized Adoption in America	1
Model State Subsidized Adoption Act and Regulations	7
Comparison of Model State Subsidized Adoption Act with Current State Laws	25

5

SUBSIDIZED ADOPTION IN AMERICA

Many people are eager to adopt children, and yet many children who should be adopted remain in institutions or foster care. The majority of families seeking to adopt are interested in infants. Since the number of infants available for adoption is decreasing, the gap between supply and demand grows wider.

The children who wait are those with physical, emotional or mental handicaps, children of minority backgrounds, older children and family groups. The absence of a central reporting system precludes exact statistics, but the number of these children is generally estimated to be about 100,000. Some of them have not been legally freed for adoption because of complicated laws or the social and emotional attitudes of judges and social workers toward termination of parental rights. But the strongest barrier to their adoption has probably been the lack of adoptive families for such children as these. The result for many of them has been a precarious existence with their parents or a barren childhood in detention centers, institutions and temporary foster homes where they grow older but remain psychologically immature in the absence of the stable family support they need. They drift to legal majority without firm ties to parental or other role models. They miss out on opportunities to develop their talents or, shifted from one foster home to another, grow up with the feeling that they are outcasts.

To bring these children into permanent families of their own, the Children's Bureau, through a grant to the Child Welfare League of America with Sanford N. Katz as project director, developed a Model State Subsidized Adoption Act which was approved for dissemination by the Secretary of Health, Education, and Welfare in July of 1975. The purpose of the Act is to make possible through public subsidy the appropriate adoption of each child (under public or private agency guardianship or care) who is legally free for adoption, and who otherwise, because of special circumstances, might not be adopted.

The historic background and the philosophy that led to the creation of the Act are important. More than twenty-five years ago, when it was realized how seriously the lack of a permanent family affected children, a few professional social workers suggested a partial solution: provide a subsidy for a child when prospective adoptive parents are unable to assume full financial responsibility for the child during his minority. The subsidy would help with the costs of special medical care and with additional expenses incurred because of a child's continuing disabilities; facilitate adoption by many minority group families; minimize the special economic drain of rearing several children from the same biological family who should remain together.

Acceptance of the subsidy concept came slowly and faced many and strong objections. It was difficult to replace the traditional idea that an adoptive family must assume total responsibility for the needs of the child. It was said that any form of financial dependence by the adoptive parents would diminish their ability as parents. Some prospective

adoptors felt that such a program had a welfare connotation and would interfere with their independence as parents; others were concerned about the child's reaction to their receiving money for his support.

At first little was done to consider the problems and to weigh the criticisms of the concept. During the 1950's a few private agencies provided subsidies in special or unusual situations -- to rewire an adoptive family's house when inspection proved it unsafe, for example; to pay for an additional room because of the family's cramped quarters; to help out with expenses when a family moved to a better employment situation; to pay for an adopted child's orthodontic treatment. Most of these subsidies were isolated cases, made in response to a particular need to insure adoption for a particular child. All, however, included financial involvement of the agency beyond the point of the legal decree of adoption.

It was not until the late 1950's and 1960's that a formalized concept of subsidized adoption aroused serious attention. The Children's Bureau and the Child Welfare League of America (CWLA) began to receive inquiries about techniques to cope with the increasing number of children for whom there were not enough adoptive applicants.

In a 1970 study carried out by the Child Welfare League of America,[1] it was found that there was no shortage of white families willing to adopt white children. There was, however, a severe shortage of non-white homes for non-white children.

The CWLA Standards for Adoption Service, first published in 1958, recommended subsidized adoption for families whose income was insufficient to meet the cost of caring for a child to be adopted. The same concept was included in the 1968 revision of the CWLA Standards.[2] In 1967 the American Academy of Pediatrics proposed certain measures to find homes for "hard-to-place" children. Among the recommended measures was: "Promoting a system of subsidized adoptions so children need not continue to be deprived of the security of family because of the economic situation. Hopefully this would encourage more adoption in Negro families."[3]

Dr. June Brown wrote in 1970: "The dominant national trend of the 1960's has been the difficult but determined struggle to reaffirm human values and to achieve individual rights. In this era the concept of 'hard-to-place' was challenged and supplanted by the principle which prescribes the right of every child who must go into adoption, to equal opportunity for placement in the best home possible."[4]

Agency questions about subsidized adoption continued to multiply. Was it an acceptable means of recruiting additional families for children considered "hard-to-place?" (More recently the phrase "children with special needs" is the preferred description.) Would families be willing to accept a subsidy? Would they consider such help "welfare?" Would the adopted child be stigmatized? Would he be resentful that his parents received money for his care?

The Model Act should dispel the confusion that provokes these questions. A subsidized adoption is final and gives the adoptive parents the same legal rights and responsibilities as if the child had been born to them -- exactly as in any legal adoption. The status of the child is legally no

different from an unsubsidized adoption. A questioning child would probably be satisfied by the explanation that the subsidy had enabled his family to adopt him.

It should be emphasized, however, that a subsidy program is intended neither to supplant community efforts to recruit adoptive homes without subsidy nor to be a substitute for other resources in the community. Nor does such a program make it possible for unqualified persons to adopt a child, since all the usual adoption requirements apply with the exception of financial ability. Under no circumstances does it increase the wealth of a family.

The subsidy is limited to providing for the condition of the child necessitating subsidized adoption and known at the time the adoption agreement is consummated. It is not designed as a cure-all for unpredictable problems that may occur as the child grows up.

In a 1967 study of subsidized adoption, the Chicago Region of the Child Care Association of Illinois described as a crisis situation the rise in the number of children needing adoption, and urged that subsidized adoption systems be established.[5/] The need for subsidies was emphasized in a later study involving two private and two public agencies in Illinois and using a random sample of 600 children.[6/] The findings revealed that subsidized adoption could make it posssible for a child who would otherwise remain in foster care to have the advantages of a permanent home, and at the same time would provide a saving to the community. This saving was computed on the basis of the supplemental requirement of an individual family in order to assume financial responsibility for the care of a child, which proved to be less than the combined costs of maintenance for foster care plus administrative expenses.

In 1968 New York became the first state to enact subsidized adoption legislation. The program was initially limited to foster parents but was amended later to include "new" parents for children who could not be adopted by their foster parents. California followed in 1969 with a program called "Aid for Adoption of Children," but it limited the subsidy to three years with a possible extension of two more years under certain circumstance. Thirty-nine other jurisdictions[7/] have since passed enabling legislation, usually called "subsidized adoption laws" but sometimes carrying such different titles as "Adoption Support Act of 1972" (Kansas) and "Adoption Support Demonstration Act of 1971" (Washington State).

The elements within state laws vary, but all are intended to increase the number of adoptive homes available for children for whom there are insufficient applicants. Provisions for maintenance and medical care occur in the great majority of state laws; family income is an eligibility factor in all but Michigan's, which was recently amended to attach the subsidy solely to the child's condition. Unfortunately, some of the states have not yet implemented their laws.

The Model Act

The Model State Subsidized Adoption Act and Regulations, which the Children's Bureau is now disseminating, was developed by using all available relevant resources. The Act grew from the strengths of various existing state laws and from the experiences and expertise of hundreds of professional and lay persons in adoption programs. Involved in the groundwork were over 1,500 men and women, including representatives of the states and of such organizations as the Child Welfare League of America, the American Academy of Pediatrics, the National Bar Association, the American Bar Association and the National Council of Juvenile Court Judges. The result is an Act which the Children's Bureau hopes will serve as a true model.

Permanence and continuation are basic concepts of the Act: adoption subsidy programs are meant to be part of the usual, ongoing child welfare services offered by a state. Also, since the programs are designed to reduce foster care caseloads, the Act requires that eligible children be under public or private agency guardianship or care and, of course, legally free for adoption.

The Act stipulates that agencies must first make every effort to place all children under regular adoption programs, and must provide evidence that "reasonable efforts have been made to place a child without subsidy." Such efforts would include attempts to recruit potential parents, the use of adoption resource exchanges and referral to appropriate specialized adoption agencies, except where a child has developed strong emotional ties with his foster parents.

When agency efforts to achieve adoption without a subsidy have been unsuccessful because of one or more of the conditions listed below, the Act provides that the child will be certified as eligible for subsidized adoption. The conditions are: (1) physical or mental disability, (2) emotional disturbance, (3) recognized high risk of physical or mental disease, (4) age, (5) sibling relationship, (6) racial or ethnic factors, or (7) any combination of these conditions.

Certifying the child as eligible for subsidy is a novel concept. The focus is on the child and his needs rather than on the financial ability of the adoptive parents to meet those needs. The Act takes into account, of course, that although the subsidy attaches to the child it is the parents who must administer the funds on his behalf. In order to ensure that they will perform this duty responsibly, they must promise, in a required agreement with the agency, that (1) they will faithfully administer the subsidy on behalf of the child; (2) they will abide by agency regulations governing the subsidy; and (3) they will report to the agency annually on the child's status and his continuing need for the subsidy. Under the Act termination or modification of the subsidy agreement may be requested by the adoptive parents at any time.

With regard to the commencement, duration and amount of the subsidy the Act is flexible. A subsidy may begin with the adoptive placement of the child, or when the adoption decree is issued. It may be for a limited period of time or for a long time. Or the subsidy may be only for special services, which could include such expenses as legal and court costs of

adoption; other costs incidental to adoptive placement - preplacement visits, for instance; special medical costs; and costs of other services such as physiotherapy, psychotherapy or occupational therapy, remedial education, rehabilitation training, extraordinary corrective dental treatment, speech and hearing therapy, wheel chairs, braces, crutches, prostheses, day care, transportation, or any other expenses related to the care and treatment of the adopted child.

The Regulations accompanying the Model Act state that in the case of a child with a known medical condition that will require treatment or surgery after placement or after the adoption decree, investigation must be made of the adopting family's medical insurance and of other public and voluntary community services (such as Crippled Children's Services) to determine whether the costs of treatment and related expenses can be covered by one or more of them. Where they cannot be covered or can be only partially covered by insurance and other community services, the subsidy agreement shall provide for funds necessary for the treatment required after adoptive placement or after the adoption decree.

Because of the different types of subsidies the Act allows, amounts under the program will differ, but in no case may they exceed the amounts paid in similar circumstances under foster care. In view of the high mobility rate of American families, the Act provides for the possibility that a child may move with his family to another state by specifying that subsidy provided by the state where the child was adopted will continue with him across state lines. The Act also includes appropriate procedures for reviewing agency decisions about the subsidy and the statement that all records on subsidized adoption shall be confidential.

Many children who should be adopted are being shifted from one temporary placement to another. The subsidized adoption program designed by the Model Act should increase opportunities for more children to have qualified parents and lasting family relationships, and to thrive in a permanent climate of love and acceptance. The lives of many children may be salvaged.

Footnotes

1. Grow, Lucille, J.: A New Look at Supply and Demand in Adoption, Child Welfare League of America, Inc., New York, N.Y., May 1970. (Mimeographed).

2. CWLA Standards for Adoption Service, 1958, Child Welfare League of America, Inc., 67 Irving Place, New York, N.Y. 10003, CWLA Standards for Adoption Service, 1968 (Revised).

3. Adoption of Children, American Academy of Pediatrics, Evanston, Ill, 1967.

4. Brown, June, Safeguarding Adoption in California: 1870-1969: A Study in Public Policy Formulation, a dissertation presented to the Faculty of the School of Social Work, University of Southern California, January 1970.

5. Subsidized Adoption: A Call to Action, Child Care Association of Illinois (2101 West Lawrence Avenue, Springfield, Ill. 62704), 1968.

6. Subsized Adoption: A Study of Use and Need in Four Agencies, Child Care

Association of Illinois, 1969.

7. The 42 jurisdictions are: Alaska, Arizona, California, Colorado, Connecticut, Delaware, Dirtrict of Columbia, Georgia, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington and Wisconsin.

MODEL STATE SUBSIDIZED ADOPTION ACT

An act to establish a permanent program authorizing public subsidies which will make it possible for children in special circumstances to be adopted.

Section 1. /Purpose./ The purpose of this Act is to supplement the /State/ adoption statutes by making possible through public financial subsidy the most appropriate adoption of each child certified by the /Department of Social Services/ as requiring a subsidy to assure adoption.

Comments

The Model State Subsidized Adoption Act must be read in conjunction with the Model Regulations. Together they constitute an indivisible unit. The Regulations amplify and particularize the provisions of the Act.

The aim of the Act is to establish within the /Department of Social Services/ a permanent adoption subsidy program for children certified by the /Department of Social Services/ as eligible for subsidy. It is not intended as a substitute for existing adoption programs but as an addition. Its scope is broad enough to include children under the care of either public or licensed private agencies.

Section 2. /Definition of "child."/ As used in this Act, except as otherwise required by the context, "child" means a minor as defined by /State/ statute, who is (a) a dependent of a public or voluntary licensed child-placing agency, (b) legally free for adoption, and (c) in special circumstances either (1) because he has established significant emotional ties with prospective adoptive parents[1/] while in

1/ As used in this Act and Comments, "parents" represents either one or two parents.

their care as a foster child, or (2) because he is not likely to be adopted by reason of one or more conditions, such as:

1. Physical or mental disability,
2. Emotional disturbance,
3. Recognized high risk of physical or mental disease,
4. Age,
5. Sibling relationship,
6. Racial or ethnic factors, or
7. Any combination of these conditions.

Comments

To come within the Act, the child to be subsidized (defined as a minor by /State/ law) must be under the legal jurisdiction of a public or voluntary licensed agency and legally free for adoption. The Act enumerates the special circumstances in which the child must be situated in order to be eligible for subsidy certification. He must be either: (1) presently in the care of a foster family with whom he has developed and maintained a plainly evidenced positive emotional bond and who seek to adopt him; or (2) he must be difficult to place in a permanent adoptive home because of one or more of the conditions listed above in the Section.

The list of conditions describes the eligible child as:

1. Under a physical or mental disability. For example, he is suffering from some disease or illness or has been born with such physical or mental defects as to make ordinary or non-subsidized adoptive homes unavailable for him. Or,

2. Suffering from an emotional disturbance, the cause of which is irrelevant. Or,

3. Known to be in a category of high risk of either physical or mental disease. For instance, if it is known that the child has suffered some injury at birth which may manifest itself later in some form of disability, this would constitute a recognized high risk of physical disability. Or if at placement the child is known to be suffering from a physical disease carrying a mental or emotional component which has not yet appeared, the child would be included in a high risk category. Although this category is intended to give wide latitude to decision-makers, "recognized high risk" is limited to disease or disability and does not include social, environmental or status factors. Because a child is born out of wedlock, for example, does not make him a high risk child in spite of the social stigma that attaches to this status. Or,

4. Difficult to place because of age. A specific age is not stated because of widely varying conditions in different areas of the country. Whether his age is three or seven is irrelevant so long as it is a factor in the child's not being placed in an ordinary adoptive home. Or,

5. Difficult to place because of sibling relationship, i.e., fraternal membership in a family group. It is now considered sound casework practice to try to place siblings together. Or,

6. Difficult to place because of racial or ethnic factors. These factors are also left general because they depend on geographic area and social climate. Racially mixed infants, for instance, were once difficult to place in any home; at the present time they are desirable. A similar change has occurred with Indian children. At one time it was felt necessary to initiate specific programs to attract adoptive parents for these children. They are now sought after by non-Indian adoptive applicants, but many Indian tribes no longer allow such placements. Or,

7. Difficult to place through any combination of the above. This category is meant to point up that a "condition" may not be exclusive of another condition.

Section 3. /Administration and Funding./ The /Department of Social Services/ shall establish and administer an ongoing program of subsidized adoption. Subsidies and services for children under this program shall be provided out of funds appropriated to the /Department

of Social Services/ for the maintenance of children in foster care or made available to it from other sources.

Comments

This section empowers the appropriate /State/ department to devise an adoption subsidy program. By "ongoing" is meant a regular and continuous program in contrast to a pilot or a time-limited project.

Funding for subsidized adoption is to be provided through State monies allocated to the appropriate department. Since the subsidized adoption program is designed to be a part of existing child welfare services, rather than a special category, it should be given the same standing as regular adoption and foster care.

Where the appropriate department can obtain funding from voluntary or other public sources for the adoption subsidy program, these sources should be utilized.

Section 4. /Eligibility./ Whenever significant emotional ties have been established between a child and his foster parents, and the foster parents seek to adopt the child, the child shall be certified as eligible for a subsidy conditioned upon his adoption under applicable /State/ adoption procedures by the foster parents.

In all other cases, after reasonable efforts have been made and no appropriate adoptive family without the use of subsidy has been found for a child, the /Department of Social Services/ shall certify the child as eligible for a subsidy in the event of adoption.

If the child is the dependent of a voluntary licensed child-placing agency, that agency shall present to the /Department of Social Services/ (1) evidence of significant emotional ties between the child and his foster parents or (2) evidence of inability to place the child for adoption due to any of the conditions specified in Section 2 of this Act. In the latter case, the agency shall present evidence that reasonable efforts have been made to place the child without subsidy, such as recruitment of potential parents, use of adoption resource exchanges, and referral to appropriate specialized adoption agencies.

Comments

The Act recognizes that most beneficiaries of existing subsidy programs are children who have been adopted by their foster parents. Under the Act such a child, when he is legally free for adoption and under the jurisdiction of a public or licensed voluntary agency, shall be certified for a subsidy when the foster parents seek to adopt him, there is clear evidence of a significant emotional bond between them and the child, and a home study has shown that the foster parents are suitable adoptive parents. In such circumstances the foster parents are assumed to be the most appropriate adoptive parents, and there is no necessity for searching out other possible adoptive families for this child.

The philosophy of the text is that the needs of the child provide the basis for the subsidy. Therefore the financial ability of the family to meet the child's needs is not a condition for certification for the subsidy.

When persons other than the foster parents seek to adopt the child, before certifying the child for a subsidy, agencies must make reasonable efforts to secure adoptive parents without subsidizing the child. For example, the agency record might indicate on what dates and for how long the child was placed on adoption resource exchanges, when contacts were made with specialized adoption agencies, and what recruitments without subsidy for the child were attempted among potential adoptive parents.

Section 5. /Subsidy Agreement./ When parents are found and approved for adoption of a child certified as eligible for subsidy, and before the final decree of adoption is issued, there must be a written agreement between the family entering into the subsidized adoption and the /Department of Social Services./ Adoption subsidies in individual cases may commence with the adoption placement or at the appropriate time after the adoption decree, and will vary with the needs of the child as well as the availability of other resources to meet the child's needs. The subsidy may be for special services only, or for money payments, and either for a limited period, or for a long term, or for any combination of the foregoing. The amount of the time-limited or long-term subsidy may in no case exceed that which would be allowable from time to time for such child under foster family care, or, in the case of a special service, the reasonable fee for the service rendered.

When subsidies are for more than one year, the adoptive parents shall present an annual sworn certification that the adopted child remains under their care and that the condition(s) that caused the child to be certified continue(s) to exist. The subsidy agreement shall be continued in accordance with its terms but only as long as the adopted child is the legal dependent of the adoptive parents and the child's condition continues, except that, in the absence of other appropriate resources provided by law and in accordance with /State/ regulations, it may be continued after the adopted child reaches majority. Termination or modification of the subsidy agreement may be requested by the adoptive parents at any time.

A child who is a resident of this /State/ when eligibility for subsidy is certified shall remain eligible and receive subsidy, if necessary for adoption, regardless of the domicile or residence of the adopting parents at the time of application for adoption, placement, legal decree of adoption or thereafter.

All records regarding subsidized adoption shall be confidential and may be disclosed only in accordance with the /relevant provisions of the State adoption act./

Comments

The written contract for subsidy is to be negotiated prior to the actual adoption placement and becomes effective either at the time of placement or after the adoption decree has been issued. A subsidy that commences with the placement may be for special services like those referred to in the Regulations.

The Regulations define and describe time-limited and long-term subsidies. The reference to the ceiling of the subsidy to accord with foster family allowances is based on current practice. One of the features of the adoption subsidy program is to provide children in foster care with permanent adoptive homes at no more cost to the State than foster care.

Under the text, the adoptive parents have the responsibility for certifying to the /Department of Social Services/ that the subsidized child remains in their care. The adoptive parents are the initiating parties in certification. They are not asked to disclose their financial situation.

Some conditions, e.g., physical or mental disability, may be alleviated in time and no longer exist. Other conditions, e.g., ethnic factors, age, or emotional ties with his adoptive parents, necessarily continue unchanged. The subsidy will not be continued after the condition ends.

No fixed age has been set for terminating the subsidy, although in the great majority of cases the age of majority should be determinative. Flexibility is necessary to allow children to complete schooling, for example, before the subsidy is cut off. Also, since some children under the program will need special care, treatment and services for an indeterminate period, the termination of the subsidy at the age of majority would work a hardship for them.

Since the subsidy is designed to provide a child in special circumstances with a permanent adoptive home, the fact that the child has been adopted out of State or that the adoptive family moves out of the State should not affect the continuity of the subsidy.

Records in the subsidized adoption program should be maintained with the same confidentiality as other adoption records. The privacy of parents and children under the program should be afforded the same respect as in other adoptions.

Section 6. /Appeals./ Any subsidy decision by the /Department of Social Services/ which the placement agency or the adoptive parents deem adverse to the child shall be reviewable according to the provisions of the /State administrative procedure./

Section 7. /Promulgation of Regulations./ The /Department of Social Services/ shall promulgate Regulations consistent with this Act within /_____./ days of its enactment.

Section 8. /Short Title./ This Act should be known and may be cited as the /State/ Subsidized Adoption Act.

Section 9. /Effective Date./ This Act shall take effect on /_____./

MODEL REGULATIONS
FOR
STATE SUBSIDIZED ADOPTION ACT

DEFINITION AND SCOPE

Subsidized adoption is an ongoing program within the /Department of Social Services/ intended to make adoption possible for children who otherwise may not be adopted. It is designed as a supplement to the /State/ adoption statutes and as an effective addition to regular recruitment efforts. It is meant to provide the benefits of family security, love and nurture for children in special circumstances, presently under the care of public or voluntary licensed agencies. These special circumstances may be (a) the establishment of significant emotional ties between the child and his foster parents or (b) the difficulty of adoption because of the child's condition as cited in Section 2 of the Act. The subsidized adoption program is funded through and administered by the /Department of Social Services./

The child may be subsidized for special services only, or for money payments, and either for a limited period, or for a long term, or for any combination of the foregoing. The time-limited or long-term subsidy may not exceed the amount allowable from time to time for a child in a foster family or, for a special service, the customary fee for such service. The duration of a long-term subsidy may extend until the adoptive parents' legal responsibility ceases or in particular cases after the child reaches majority if other appropriate provisions are absent and if /State/ regulations are satisfied.

A. AGREEMENT

Where a subsidy is to be provided, a written agreement for subsidy between the /Department of Social Services/ and the prospective adoptive parents, with clearly delineated terms, must precede the adoption decree. The provisions should be explained verbally to the prospective adoptive parents who, after a period for study and consultation, shall sign the agreement jointly with the /Department of Social Services./ The parents will retain one copy, and the other strictly confidential copy should be kept in the files of the /Department of Social Services./ The agreement must include the date for the commencement of the subsidy, which will be either at the time of the adoptive placement or after the adoption decree, depending on the needs of the child. The adoptive parents may request termination or modification of the subsidy agreement at any time.

B. TYPES OF SUBSIDY

1. Special Service Subsidy is limited to the time span of the necessary service. It may be a one-time payment for an anticipated expense when there is no other resource. It may include, among other costs:

(a) Legal and court costs of adoption.

(b) Other costs incidental to adoptive placement, e.g., preplacement visits.

(c) Special medical costs: In the case of a child with a known medical condition which will require treatment or surgery after placement for adoption or after the adoption decree, investigation must be made of the adopting family's medical insurance and of other public and voluntary community services (such as Crippled Children's Services and Medicaid) to

determine whether the costs of the treatment and related costs can be covered by one or more of them. Where costs for treatment and related expenses cannot be covered or can be only partially covered by insurance and by other community services, the subsidy agreement shall provide for the necessary funds for the treatment required after adoptive placement or after the adoption decree. If, because of genetic background or other medical history, there is a recognized high risk that physical or mental disease may later develop, the agreement shall include provision of funds, if not otherwise available, for treatment of such disease.

(d) Costs of other special services such as physio-, psycho-, or occupational therapy, remedial education, rehabilitation training, extraordinary corrective dental treatment, speech and hearing therapy, wheel chairs, braces, crutches, prostheses, day care, transportation, and any other expenses related to the care and treatment of the child under this and paragraph (c).

2. Time-Limited Subsidy is a periodic payment for a specified time span after adoptive placement or after the legal completion of the adoption. It is designed to help with the expenses of integrating the child into the family or to provide needed funds for a specified length of time.

3. Long-Term Subsidy is designed for children who cannot be adopted unless their long-term financial needs are met by subsidy. The periodic payments may continue until the child reaches majority or, in particular cases, beyond the child's majority if other appropriate resources are absent and if /State/ regulations are met.

C. AMOUNT OF SUBSIDY

1. Time-Limited and Long-Term Subsidies: Neither time-limited nor long-term money payment subsidies may exceed the rate as established by the /Department of Social Services/ for care in foster family homes. The money payment subsidies shall be automatically adjusted whenever foster family care rates are changed.

2. Special Service Subsidies: Reimbursement or prepayment for special services will be limited to the reasonable fee customary in the community where such services are rendered.

D. SPECIAL CONSIDERATIONS

1. Before a child is certified for subsidy, resources for adoptive placement without subsidy should be explored, including recruitment of adoptive parents, registration for a reasonable period on local, State and national adoption resource exchanges, and referral to appropriate specialized adoption agencies. Registration with the exchanges is unnecessary when:

(a) The current foster family or other qualified person(s), including relatives with whom the child has been living and with whom he has established significant emotional ties have expressed interest in adopting the child, or

(b) It can be demonstrated that such resources are unlikely to result in an adoption without subsidy and their use would cause unreasonable delay in placement for adoption.

2. If the child has or may have eligibility for Indian benefits, it may be necessary to negotiate special terms with the United States Bureau of Indian Affairs or the relevant tribal court.

E. ELIGIBILITY FOR AND CONTINUITY OF SUBSIDY

1. The /Department of Social Services/ shall establish forms and procedures for initial certification of eligibility and for periodic certification of the child's continued need for subsidy in accordance with Section 2 of the Act.

2. The means of periodic certification will be a sworn statement by the adoptive parents submitted to the /Department of Social Services/ that the child is presently in their custody and that the condition(s) that caused the child to be certified continue(s) to exist.

(a) Upon sworn certification by the parents, the agreement shall be automatically renewed.

(b) As long as the need for subsidy is certified, the subsidy shall be continued while the child is the legal dependent of the adoptive parents, or even in certain instances after the child reaches majority if other appropriate provisions are unavailable and when /State/ regulations are met.

(c) If the parents certify that the child's circumstances have changed, the agreement may be modified to allow for increase, reduction or termination while the child is in the adoptive parents' custody.

(d) A child who is a resident of /this State/ when certified by the /Department of Social Services/ as eligible for subsidy shall remain eligible and receive a subsidy regardless of the domicile or residence of the adopting parents at the time of their approval for adoption, placement, or legal decree of adoption

(whichever applies) and thereafter.

F. SUBSIDY FOR A CHILD UNDER THE CARE OF A LICENSED VOLUNTARY AGENCY

A child under the care of a licensed voluntary agency must meet the same requirements for subsidy as those in the care of a public agency. The licensed voluntary agency must refer the case to the /Department of Social Services/ for certification of eligibility for a subsidy. After the referral the voluntary agency will continue its supervisory responsibility for the child and the family until after the adoption decree has been issued. If after reviewing the circumstances of the case, the /Department of Social Services/ approves a subsidy plan, it will draft and sign jointly with the adoptive parents an agreement for the necessary special services and funding. The /Department of Social Services/ will be the administrator of the subsidy agreement according to its regulations and the terms of the Act.

G. TRAINING

In addition to other appropriate handbook material, the /Department of Social Services/ will set up a continuing subsidized adoption training program for staffs of both public and private agencies. The program will include the purposes and procedures of the subsidized adoption program and the methods for recruiting adoptive applicants. In conjunction with adoptive parents of children with physical, mental or emotional problems, the /Department of Social Services/ will prepare a voluntary educational program for the children's care and nurture as well as their future needs.

H. APPEALS PROVISION

The /Department of Social Services/ shall develop procedures for appeals that are in accordance with the State's administrative procedures law and are also consistent with the appeals provision of the Act.

STATE SUBSIDIZED ADOPTION STATUTES

Alaska - Alas. Stat. §§ 20.15.190 - 20.15.240 (1975).
Arizona - Ariz. Rev. Stat. Ann. §§8-141 through 8-145 (Supp. 1975-1976).
California - Cal. Welf. & Inst'ns Code § 16120.1 (Supp. 1976).
Colorado - Colo. Rev. Stat. Ann. §§ 26-7-101 through 26-7-108 (1973).
Connecticut - Conn. Gen. Stat. Rev. §§ 17-44a through 17-44d (1975).
Delaware - Del. Code Ann. tit. 31 §§ 304-305 (1975).
District of Columbia - D.C. Code Ann. §§ 3-114, 3-115, 3-117, 3-118, 3-119; 32-78 (Sup
Florida - Fla. Stat. Ann. § 409.166 (Supp. 1976). 1976-197
Georgia - Ga. Code Ann. § 99-211(G)(6) (1976).
Idaho - Idaho Code § 56-801 through 56-806 (1976).
Illinois - Ill. Ann. Stat. § 23-5005(4) (Supp. 1976-1977).
Indiana - Burns Ind. Stat. § 31-3-3 (Supp. 1976).
Iowa - Iowa Code Ann. §§ 600.11 through 600.16 (Supp. 1976).
Kansas - Kan. Stat. Ann. §§ 38-320 et seq. (Cumm.Supp. 1975).
Kentucky - Ky. Rev. Stat. §§ 199.555(1) - 199.555(4) (Cumm.Supp. 1976).
Maine - Me. Rev. Stat. Ann. tit. 19, §§ 541-544. (Cumm. Supp. 1976-1977).
Maryland - Md. Ann. Code art. 16, §§ 88A through 88H (Supp. 1976).
Massachusetts - Mass. Gen. Laws Ann. ch. 210, § 6, ch. 119, § 40 (1975).
Michigan - Mich. Stat. Ann. § 27.3178(553a) (Cumm. Supp. 1975).
Minnesota - Minn. Stat. § 393.07(1a) (Supp. 1976).
Missouri - Mo. Rev. Stat. §§ 453.073 and 453.065 (Supp. 1976).
Montana - Mont. Rev. Code Ann. § 71-1516 (Supp. 1975).
Nebraska - Neb. Rev. Stat. §§ 43-117 and 43-118 (1975).
Nevada - Nev. Rev. Stat. § 127.186 (1973)
New Jersey - N.J. Rev. Stat. §§ 30:4c-45; 30-4c-49 (Supp. 1976-1977).
New Mexico - N.M. Stat. Ann. §§ 22-2-43 through 22-2-46 (Supp. 1975).
New York - N.Y. Soc. Serv. Law § 398(6)(k) (McKinney 1976).
N.Y.D.R.L. §112.2 (McKinney 1976).
North Carolina - N.C. Gen. Stat. § 48-39 (Cumm. Supp. 1975).
North Dakota - N.D. Cent. Code § 50-09 (Supp. 1975).
Ohio - Ohio Rev. Code Ann. § 5153.16 (1971).
Oregon - Ore. Rev. Stat. §§ 418.330 through 418.340 (1975).
Pennsylvania - Pa. Stat. Ann. tit. 62, §§ 771-774 (Supp. 1976-1977).
Rhode Island - R.I. Gen. Laws Ann. § 15-7-25 (Supp. 1975).
South Carolina - Art. No. 496, Joint Resolutions of 1976.
South Dakota - S.D. Comp. Laws Ann. §§ 28-7-3.1 through 28-7-3.2 (Supp. 1976).
Tennessee - Tenn. Code Ann. §§ 36-102(8), 14-105(o) (Supp. 1975).
Texas - Tex. Rev. Civ. Stat. § 466-2 (Vernon's Supp. 1976).
Utah - Utah Code Ann. § 55 -15(b)-3 (1974).
Vermont - Vt. Stat. Ann. tit. 33, §2801 (Cumm. Supp. 1976).
Virginia - Va. Code Ann. §§ 63.1-238.1 through 63.1-238.5 (Cumm. Supp. 1975).
Washington - Wash. Rev. Code Ann. §§ 74.13.100, -103, -106, -109 through .136, (Supp. 1975) 26.32.115 (Supp. 1975).
Wisconsin - Wis. Stat. Ann. § 48.48(12) (Supp. 1975-1976).

COMPARISON OF MODEL STATE SUBSIDIZED ADOPTION ACT WITH CURRENT STATE LAWS

This supplement includes a descriptive analysis of the basic elements found within the Model State Subsidized Adoption Act; identification of the basic elements in the laws of forty-two (42) jurisdictions which authorize subsidized adoptions; seven (7) tables comparing the Model Act with these existing laws; and a tabulation of the similarities and differences between the existing laws and the Model Act.

MODEL ACT - DESCRIPTIVE ANALYSIS

The Model Act contains the following ten basic elements:

I. Title
II. Preamble
III. Purpose
IV. Definition
V. Administration and Funding
VI. Eligibility
VII. Subsidy Agreement
VIII. Appeals
IX. Promulgation of Regulations
X. Short Title & Effective Date

I, II, III. Title, Preamble, Purpose

The explicit purpose, as drawn from the Title, the Preamble and the Purpose clause, is to establish a permanent program to supplement the State adoption statutes by making possible through public financial subsidy the most appropriate adoption of each child certified by the Department of Social Services as requiring a subsidy because of special circumstances to assure adoption.

IV. Definition

The Model Act defines "child" as a minor as defined by state statute, who is (a) a dependent of a public or voluntary licensed child-placing agency, (b) legally free for adoption, and (c) in special circumstances either (1) because he has established significant emotional ties with prospective adoptive parents while in their care as a foster child, or (2) because he is not likely to be adopted by reason of one or more conditions, such as:

1. Physical or mental disability,
2. Emotional disturbance,
3. Recognized high risk of physical or mental disease,
4. Age,
5. Sibling relationship,
6. Racial or ethnic factors, or
7. Any combination of these conditions.

Other statutes use the terms "handicaps", "hard-to-place", or "with-special needs" for such conditions.

V. Administration and Funding

The Department of Social Services shall establish and administer an ongoing program of subsidized adoption. Subsidies and services for children under this program shall be provided out of funds appropriated to the Department of Social Services for the maintenance of children in foster care or made available to it from other sources.

In some states there is provision for actively seeking federal money or private gifts and grants.

VI. Eligibility

A. The Model Act specifically refers to two categories of eligibility for certification for a subsidy. (1) Where significant emotional ties have been established between the child and his foster parents, and the foster parents seek to adopt the child, the child shall be certified as eligible for a subsidy conditioned upon his adoption under applicable state adoption procedures by his foster parents. (2) In all other cases, where reasonable efforts have been made and no appropriate adoptive family without the use of a subsidy has been found for a child, the Department shall certify the child as eligible for a subsidy in the event of adoption.

B. If the child is a dependent of a voluntary licensed child-placing agency, that agency must present to the Department of Social Services (1) evidence of significant emotional ties between the child and his foster parents or (2) evidence of inability to place the child for adoption due to any of the conditions specified in Section 2 of the Model Act.

In the latter case, the agency must present evidence that reasonable efforts have been made to place the child without subsidy, such as recruitment of potential parents, use of adoption resource exchanges, and referral to appropriate specialized adoption agencies.

VII. Subsidy Agreement

The Model Act requires a written agreement between the family entering into subsidized adoption and the Department of Social Services before the final decree of adoption is issued.

The Act provides for flexibility with respect to duration and amount. Adoption subsidies may commence with the adoption placement or at the appropriate time after the decree.

The Model Act provides for subsidy amounts that may vary with the needs of the child as well as the availability of other resources to meet the child's needs. The subsidy may be for special services only, or for money payments and either for a limited period, or for a long term, or for any combination of the foregoing. The Model Act specifies that the amount of the time-limited or long-term subsidy may in no case exceed that which would be allowable for such child under foster family care, or, in the case of special service, the reasonable fee for the service rendered.

When the subsidies are for more than one year, the Model Act requires that the adoptive parents present an annual sworn certification that the adopted child remains under their care and that the condition(s) that caused the child to be certified continue(s) to exist. The subsidy agreement will only be continued as long as the child is the legal

dependent of the adoptive parents and the child's condition continues, except that, in the absence of other appropriate resources provided by the state and in accordance with state regulations, it may be continued after the adopted child reaches majority. The adoptive parents may request termination or modification at any time.

The Act provides that a child who is a resident of a state when certified eligible shall remain eligible and receive subsidy, if necessary for adoption, regardless of the residence or domicile of the adopting parents at any time.

The Act states that all records regarding subsidized adoption shall be regarded as confidential and may be disclosed only in accordance with the relevant provisions of the state adoption act.

VIII. Appeals

The Model Act expressly provides that any subsidy decision which the placement agency or the adoptive parents deems adverse to the child shall be reviewable according to the provisions of the pertinent state administration procedure act.

IX. Promulgation of Regulations

The Department of Social Services must promulgate regulations consistent with the Act within [_____] days of its enactment.

X. Short Title and Effective Date

This Act may be cited as the [State] "Subsidized Adoption Act" and shall take effect on [_____].

DISCUSSION OF TABLES CONTRASTING MODEL ACT AND CURRENT STATE LAWS

TABLE I - BASIC ELEMENTS

TABLE II - PURPOSES

TABLE III - CHARACTERIZATION OF CHILDREN

TABLE IV - FUNDING

TABLE V - ADOPTIVE SUBSIDIES - ELIGIBILITY

TABLE VI - ADOPTIVE SUBSIDIES - TERMS & PROVISIONS

TABLE VII - ADMINISTRATIVE DIRECTIVES

TABLE I - BASIC ELEMENTS

The ten basic elements identified in the Model Act are here grouped under the following captions:

Separate Chapter - yes or no; with Title or Subtitle/Preamble;

Purpose - found in Preamble/Subtitle or Purpose clause;

Definition - of the term "child";

Administration - by Department of Social Service or court and with or without appeal provisions;

Funding - by Department funds or other sources;

Eligibility - of children and adoptive parents;

Subsidy Agreement - provisions covering duration and amount;

Promulgation of Regulations - whether required of the Department; and

Short Title and Effective Date - yes or no.

MODEL ACT

I. Title: MODEL STATE SUBSIDIZED ADOPTION ACT"

Comparative Analysis

1. Ten (10) states have a separate chapter or act with a similar title.

California - "Aid for Adoption of Children"
Colorado - "Subsidization of Adoption"
Kansas - "Adoption Support Act of 1972"
Indiana - "Aid for Adoption of Hard-to-Place Children"
Maine - "Adoption Subsidy Act"
Maryland - "Subsidized Adoption Act"
New Jersey - "Subsidized Adoption Law"
Pennsylvania - "Adoption Opportunity Act"
South Carolina - "South Carolina Adoption Supplemental Benefits Act"
Washington - "Adoption Support Demonstration Act of 1971"

2. Of the thirty-two (32) jurisdictions that do not have a separate act with a title, thirteen (13) states have a subtitle.

They are:

Alaska, Arizona, Iowa, Michigan, Nebraska, Nevada, North Carolina, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Virginia.

The subtitle of Utah's statute is the only one that does not refer in any way to adoption subsidies or assistance.

MODEL ACT

II. Preamble: "An act to establish a permanent program authorizing public subsidies which will make it possible for children in special circumstances to be adopted."

Comparative Analysis

1. Twenty (20) states have preambles.
2. Twenty-six (26) states have laws with a preamble or a subtitle heading that directly refer to subsidy or financial assistance to adoptive parents.

They are:

Arizona, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Montana, Nebraska, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas and Virginia.

(a) Four (4) states have wording similar to that of the Model Act.

Colorado: "concerning the establishment of a program to authorize payments to adoptive parents on behalf of and provide medical care for children with special needs..."

Maryland: "purpose of establishing a program to authorize public subsidies making it possible for children in special circumstances to be adopted..."

South Carolina: "to establish a permanent program authorizing supplemental benefits which will make possible adoption of children in special circumstances."

Texas: "An Act relating to a program to assist families in the adoption of 'hard-to-place' children...providing for financial assistance..."

(b) Six (6) states authorize payments or assistance to adoptive parents on behalf of children with special needs but omit reference to a "program."

Florida: "providing for subsidizing the adoption of special needs children..."

New Jersey: "An act concerning subsidized adoption of certain children... providing for the financing thereof..."

North Carolina: "to establish a state fund for adoptive children with special needs."

Ohio: "enter into an agreement in behalf of a child with special needs after the final decree of adoption."

Tennessee: "relative to financial assistance for adoption of children with special needs."

Virginia: "to provide for subsidy payments to adoptive parents and others to provide for maintenance and special needs"

(c) Two (2) states provide for financial assistance for "hard-to-place" children: Idaho and Montana.

(d) Six (6) states provide for financial assistance either for the adoption of certain children or to adoptive parents in certain circumstances:

Arizona: "providing public subsidy to certain adoptive parents."

Georgia: "families accepting children who would otherwise remain in foster care at state expense."

Kansas: "for adoption of certain children."

Massachusetts: "to certain adopting parents."

Nevada: "Adoptive parents in certain situations."

South Dakota: "to adoptive parents with unlimited means."

(e) Seven (7) states merely authorize, without particulars, adoption subsidies financial assistance or reimbursement to adopting parents: Iowa, Kentucky Maine, Michigan, Missouri, Oregon, Rhode Island.

MODEL ACT

III. Purpose: "The purpose of this act is to supplement the [State] adoption statutes by making possible through public financial subsidy the most appropriate adoption of each child certified by the [Department of Social Services] as requiring a subsidy to assure adoption." See also Title and Preamble and refer to Table I.

Comparative Analysis

1. **Sixteen (16) jurisdictions: California, District of Columbia, Florida, Idaho, Kansas, Maryland, Massachusetts, Montana, New Jersey, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, Texas and Washington have a separate purpose clause.**

2. Twenty-six (26) jurisdictions express a purpose in either or both their preamble and purpose clause.

3. Twelve (12) jurisdictions: District of Columbia, Florida, Idaho, Kansas, Maryland, Massachusetts, Montana, New Jersey, North Carolina, Ohio, South Carolina and Texas, --express their purpose in two places.

TABLE II - PURPOSES

This table deals with five kinds of purposes:

A) Establishment of a program of adoption support

B) Promotion of adoption of "hard-to-place" children with "special needs"

C) Authorization of payments for adoption of "hard-to-place" children currently in foster care and with "special needs" or in "special circumstances"

D) To benefit "hard-to-place" children in foster care and save the state expense

E) To make subsidized adoption information available to prospective adoptive parents, especially those of lower economic and disadvantaged groups.

MODEL ACT

III.A. Type of Purposes: A, B, and C, although the Model Act does not use the term "hard-to-place" children, but refers to children "in special circumstances" requiring a subsidy to assure adoption. In addition, the Act states it is to "supplement the State adoption statutes".

Comparative Analysis

1. Thirteen (13) states do not express a purpose. They are:

   Alaska, Connecticut, Delaware, Illinois, Iowa, Maine, Minnesota, Missouri, New York, North Dakota, Rhode Island, Utah and Wisconsin.

2. The most frequently expressed purpose, using the term "payments" rather than "subsidy" as in the Model Act, was (C) - "Authorization of payments for 'hard-to-place' children with special needs." This was found in eighteen (18) jurisdictions:

   Colorado, District of Columbia, Florida, Idaho, Indiana, Kansas, Massachusetts, Michigan, Montana, Nebraska, Nevada, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Virginia, Washington.

3. In nine (9) states a program of adoption support (A) is established:

   Arizona, California, Colorado, Kansas, Kentucky, Montana, Nebraska, New Mexico and South Dakota.

4. In ten (10) states adoption of the "hard-to-place" with "special need" (B) is promoted:

   California, Florida, Kansas, Massachusetts, Montana, New Mexico, North Carolina, Pennsylvania, Texas and Washington.

5. Nine (9) states intend to "benefit the 'hard-to-place'" in foster care and to save state money (D):

   California, Florida, Georgia, Idaho, Kansas, New Jersey, Ohio, Texas and Washington.

6. Only three (3) states: California, Montana and Texas express an intention to make information available to certain prospective adoptive parents (E).

7. South Carolina requires in their purpose clause that the child be "certified" as requiring a subsidy by the Department of Social Service, as does the Model Act. In Maryland, the language "Determined to require a subsidy to assure his adoption in view of special circumstances...," is used. In no state is there any reference to the act "supplementing" the state adoption statutes.

8. As Table II indicates, most states express more than one purpose. Just one state, Vermont, had only a general purpose "to protect and promote the welfare of the children in the state" rather than something explicit regarding subsidization of adoption.

TABLE III - CHARACTERIZATION OF CHILDREN

In Part A of this table seven (7) types of children are identified: "under agency (public/private approved) care," "legally free for adoption," "in special circumstances," "not likely to be adopted," "hard-to-place," "handicapped," and "with special need." Part B of Table III presents twelve (12) possible reasons for the Part A designations (i.e. ethnic background, race, color, language, physical, mental, emotional or medical handicaps or disturbances, age, membership in a sibling group, emotional ties to foster parents, or other special considerations).

MODEL ACT

IV. Definition: "As used in this Act, except as otherwise required by the context, "child" means a minor as defined by [State] statute, who is (a) a dependent of a public or voluntary licensed child-placing agency, (b) legally free for adoption, and (c) in special circumstances either (1) because he has established significant emotional ties with prospective adoptive parents while in their care as a foster child, or (2) because he

is not likely to be adopted by reason of one or more conditions, such as:

1. Physical or mental disability,
2. Emotional disturbance,
3. Recognized high risk of physical or mental disease,
4. Age,
5. Sibling relationship,
6. Racial or ethnic factors, or
7. Any combination of these conditions.

Comparative Analysis

A. Table III - Part A:

1. Only Arizona and South Carolina employ the exact same categories as the Model Act, namely:

   "Under agency care," "legally free for adoption," "in special circumstances" and "not likely to be adopted."

2. The Model Act requirement that the child must be under the care of a public or approved agency is followed in all but nine (9) states. These are:

   Colorado, Kentucky, New Mexico, North Dakota, Ohio, Rhode Island, South Dakota, Tennessee and Virginia.

   The other categories in the Model Act are not frequently used:

   (a) "legally free for adoption" - five (5) states: Arizona, Maine, Maryland, Pennsylvania, South Carolina

   (b) "In special circumstances" - only four (4) states: Arizona, Maryland, New Mexico, and South Carolina.

   (c) "Not likely to be adopted" - eleven (11) states: Alaska, Arizona, Florida, Maine, Massachusetts, Minnesota, Missouri, Nebraska, North Dakota, South Carolina and South Dakota.

3. Thirty-seven (37) jurisdictions serve more than one category of child. The most frequently appearing are:

   (a) "under agency care" - thirty-two (32) states,

   (b) "hard-to-place" or "difficult-to-place" - twenty-four (24) states,

   (c) "handicapped" - seventeen (17) states.

4. Eleven (11) of the states use all three of the above categories:

   California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, New York, South Carolina, Texas and Utah.

5. Twelve (12) jurisdictions use "with special need":

   Colorado, District of Columbia, Florida, Nebraska, Nevada, New York, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Virginia.

B. Table III - Part B:

1. Although twenty (20) jurisdictions:

   Arizona, California, Connecticut, District of Columbia, Florida, Idaho, Indiana, Iowa, Kansas, Missouri, New Jersey, New Mexico, Ohio, Pennsylvania, Texas, Virginia, Washington

   utilize at least five of the nine (9) reasons found in the Model Act. There are three states which utilize all nine reasons; Arizona, Maryland and South Carolina.

2. The three (3) most frequent reasons are:

   (a) Physical handicap - thirty-two (32) states,

   (b) Mental handicap - twenty-eight (28) states,

   (c) Age - twenty-six (26) states.

3. Other reasons appear thus:

   (a) Race - twenty (20) states,

   (b) Emotional disturbance - nineteen (19) states,

   (c) Sibling group - eighteen (18) states,

   (d) Ethnic background - thirteen (13) states,

(e) Color - seven (7) states,

(f) Language - five (5) states,

(g) Medical - four (4) states,

(h) Emotional ties to foster parents - four (4) states, Arizona, Florida, Maryland, and South Carolina, although a group of states in their regulations refer to a "meaningful relationship" or "significant emotional ties" to the foster parents to whose care a child has been (i.e. Deleware, Illinois, Maryland, Ohio, Oregon and Tennessee),

(i) Other - nineteen (19) states.

4. Five (5) states do not specify any condition.

Maine, Michigan, Rhode Island, South Dakota, Wisconsin.

TABLE IV - FUNDING

This table indicates the source of funds and whether there is any mandate to seek funds.

MODEL ACT

V. Administration and Funding: "...Subsidies and services for children under this program shall be provided out of funds appropriated to the [Department of Social Services] for the maintenance of children in foster care or made available to it from other sources."

Comparative Analysis

1. Thirty-four (34) jurisdictions conform with the Model Act and specify that payments come from funds appropriated to a state or county department for foster care.

2. Ten (10) states, although authorizing payments, are silent regarding the source of funds. These are:

Delaware, Florida, Georgia, Idaho, New Jersey, New Mexico, New York, Oregon, Tennessee and Utah.

3. In ten (10) jurisdictions:

California, Colorado, District of Columbia, Idaho, Iowa, Kansas, North Carolina, Texas, Virginia and Washington, there is a statutory mandate to actively seek other funds, such as federal moneys, private gifts, and grants.

4. Five (5) states:

Michigan, Minnesota, Montana, North Dakota and Pennsylvania provide for some reimbursement between state and county.

(a) Michigan - the county court child care fund is reimbursed by the state department of social services.
(b) Minnesota - reimbursement not exceeding one-half the cost from any funds available to the commissioner of public welfare for foster care.
(c) Montana - county reimburses state department for one-half assistance.
(d) North Dakota - county reimburses state agency upon claim made by state agency for one-quarter amount expended in county, in excess of amount provided by federal government.
(e) Pennsylvania - department shall reimburse local authorities for at least eighty percent (80%) of the cost of an adoption opportunity.

TABLE V - ADOPTIVE SUBSIDIES - ELIGIBILITY

This table summarizes both the eligibility requirements for children and prospective adoptive parents and the various needs and services that a subsidy can cover.

MODEL ACT

VI. Eligibility - "Whenever significant emotional ties have been established between a child and his foster parents, and the foster parents seek to adopt the child, the child shall be certified as eligible for a subsidy conditioned upon his adoption under applicable [State] adoption procedures by the foster parents.

In all other cases, after reasonable efforts have been made and no appropriate adoptive family without the use of subsidy has been found for the child, the [Department of Social Services] shall certify the child as eligible for a subsidy in the event of adoption.

If the child is the dependent of a voluntary licensed child-placing agency, that agency shall present to the [Department of Social Services] (1) evidence of significant emotional ties between the child and his foster parents or (2) evidence of inability to place the child for adoption due to any of the conditions specified in Section 2 of this Act. In the latter case, the agency shall present evidence that reasonable efforts have been made to place the child without a subsidy, such as recruitment of potential parents, use of adoption resource exchanges, and referral to appropriate specialized adoption agencies."

Comparative Analysis

A. Re: Child's Eligibility

1. Table V shows that some reference to the type of child is made in each of the forty-two (42) analyzed laws, but that few employ the same categories as found in the Model Act.

2. Only four (4) states, Arizona, Florida, Maryland and South Carolina, refer to "significant emotional ties" between the child and foster parents seeking to adopt. A number of states, however, include "significant emotional ties" among the factors listed in their administrative guidelines as requiring consideration. Some of these states are:

   Delaware, Illinois, Ohio, Oregon, Tennessee.

3. Pennsylvania and South Carolina are the only states statutorily requiring, as the Model Act does, that a child be certified as eligible for a subsidy prior to adoption. Maryland employs the phrase, "Determined to require a subsidy..."

4. The category most frequently used by twenty-nine (29) jurisdictions, as well as by the Model Act, is (C) - "under agency care and legally free for adoption."

   The thirteen (13) states that do not so specify are:

   California, Georgia, Idaho, Indiana, Nevada, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Dakota and Tennessee.

   Florida specifies only that the child be in the permanent custody of the department.

5. Seventeen (17) jurisdictions follow the Model Act by referring to a child with special needs or in special circumstances.

   Arizona, Colorado, District of Columbia, Florida, Maine, Maryland, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee and Virginia.

6. Another group of eighteen (18) jurisdictions employ a category not appearing in the Model Act, "hard-to-place" or "difficult-to-place". These are:

   California, Connecticut, District of Columbia, Florida Georgia, Idaho, Indiana, Kansas, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas and Washington.

7. Only eleven (11) states follow the Model Act by including the category "no appropriate adoption or adoptive family without use of a subsidy." These are:

   Alaska, Arizona, Connecticut, Maine, Maryland, Massachusetts, Nebraska, North Dakota, South Dakota, Washington and Wisconsin.

B. Re: Adoptive Parents Eligibility

1. The sole reference made by the Model Act regarding eligibility of prospective parents is that "Whenever significant emotional ties have been established between a child and his foster parents, and the foster parents seek to adopt the child, the child shall be certified as eligible for subsidy..."

   Only five (5) states, Maryland, North Carolina, Pennsylvania, South Carolina and Wisconsin paralleled this approach by eliminating all references to eligibility requirements for parents. These acts speak only of a subsidy attaching to a child.

2. Thus, among the other thirty-seven (37) statutes analyzed:

   (a) Adoptive parents must be without the economic resources to meet the child's special needs in twenty (20) jurisdictions:

Arizona, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Maine, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Virginia and Washington.

(b) Adoptive parents of "hard-to-place" children in eighteen (18) states:

Arizona, California, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Montana, New Jersey, New York, RhodeIsland, Tennessee, Texas and Utah.

(c) Prospective adoptive parents who have the child in their home under foster care in ten (10) jurisdictions:

Alaska, Arizona, California, District of Columbia, Kentucky, Maine, Minnesota, Missouri, Texas and Vermont.

(d) Or, adoptive parents from lower economic and disadvantaged groups in two (2) states: California and Texas.

MODEL ACT

VII. Subsidy Agreement: "When parents are found and approved for adoption of a child certified as eligible for subsidy, and before the final decree of adoption is issued, there must be a written agreement between the family entering into the subsidized adoption and the [Department of Social Services.] Adoption subsidies in individual cases may commence with the adoption placement or at the appropriate time after the adoption decree, and will vary with the needs of the child as well as the availability of other resources to meet the child's needs. The subsidy may be for special services only, or for money payments, and either for a limited period, or for a long term, or for any combination of the foregoing. The amount of the time-limited or long-term subsidy may in no case exceed that which would be allowable from time to time for such child under foster family care, or, in the case of a special service, the reasonable fee for the service rendered."

C. Re: Subsidy Coverage

1. Table V shows that while the Model Act provides subsidies for only two (2) things - for "special services" or "financial assistance," (The Model Act, Arizona and South Carolina use the term "money payments"), more than half of the analyzed laws (23) make reference to three (3) or more uses.

2. The most frequent category found in more than two-thirds (31) of the jurisdictions is financial assistance for maintenance, care and support.

Alaska	Kansas	Nevada
Arizona	Kentucky	NewJersey
Colorado	Maine	New Mexico
Connecticut	Maryland	North Dakota
Delaware	Massachusetts	Ohio
District of Columbia	Michigan	Oregon
Florida	Minnesota	Pennsylvania
Georgia	Missouri	South Dakota
Idaho	Montana	Virginia
Indiana	Nebraska	Washington
Iowa		

3. The next most frequently used category was "medical and surgical" assistance in twenty-five (25) states. The following seventeen (17) states did not specify:

Alaska, Arizona, California, Connecticut, Delaware, Illinois, Maine, Maryland, Minnesota, Nevada, North Carolina, Rhode Island, Texas, Utah, Vermont, Washington, and Wisconsin.

4. In eighteen (18) of the jurisdictions subsidies may cover "special services":

Arizona, Connecticut, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Maine, Maryland, Missouri, Montana, Nebraska, New York, North Carolina, South Carolina, Tennessee, Virginia.

5. Unlike the Model Act, some statutes futher state that a subsidy may cover adoption costs, dental, psychiatric and educational services or therapeutic appliances.

TABLE VI - ADOPTIVE SUBSIDIES: TERMS AND PROVISIONS

This table is divided into three sections analyzing the subsidy amount, duration and administrative provisions.

MODEL ACT

VII. Subsidy Agreement: "...subsidies...will vary with the needs of the child as well as the availability of other resources...The amount of the time-limited or long-term subsidy may in no case exceed that which would be allowable from time to time for such child under foster family care, or, in the case of a special service, the reasonable fee for the services rendered."

Comparative Analysis

A. Re: Amount

1. Only eleven (11) jurisdictions explicitly provide, as does the Model Act, for the amounts to vary:

   Alaska, Arizona, District of Columbia, Illinois, Indiana, Maine, Maryland, Minnesota, South Carolina, Tennessee and Washington.

   And only Arizona, Maryland and South Carolina refer to amounts equal to the reasonable fee for services rendered.

2. More than one-half (28) of the jurisdictions limit the amount to not more than that which would be paid if in foster care.

   Alaska, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, Montana, New Jersey, New Mexico, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin.

3. In seven (7) jurisdictions subsidies may be given only if no other resources are available:

   Connecticut, District of Columbia, Georgia, Iowa, Massachusetts, Michigan, Pennsylvania,

MODEL ACT

VII. Subsidy Agreement: "...may commence with the adoption placement or at the appropriate time after the adoption decree... and either for a limited period, or for a long term, or for any combination of the foregoing... The subsidy agreement shall be continued... as long as the adopted

child is the legal dependent of the adoptive parents and the child's condition continues, except that in the absence of other appropriate resources provided by law and in accordance with [State] regulations, it may be continued after the adopted child reaches majority..."

Comparative Analysis

B. Re: Duration

1. Thirteen (13) of the states are at variance with the Model Act by making no reference to duration.

   Delaware, Georgia, Illinois, Kentucky, Minnesota, Montana, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Wisconsin.

2. Nineteen (19) states, unlike the Model Act, provide for a mandatory cut-off upon the child's reaching majority, becoming emancipated, or dying.

   Alaska, Colorado, Connecticut, District of Columbia, Florida, Indiana, Iowa, Kansas, Maine, Michigan, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, South Dakota, Virginia.

3. Nine (9) jurisdictions: Alaska, District of Columbia, Idaho, Indiana, Maryland, Massachusetts, Missouri, South Carolina, and Washington, infer a possible unlimited time if continuing need is established, even though both Idaho and Missouri call for a maximum period of five years. But only the Model Act specifically calls for continuance after the child reaches majority in certain instances.

MODEL ACT

VII. Subsidy Agreement: "... there must be a written agreement between the family entering into the subsidized adoption and the [Department of Social Services]...

When subsidies are for more than one year, the adoptive parents shall present an annual sworn certification that the adopted child remains under their care and that the condition(s) that caused the child to be certified continue(s) to exist.... Termination or modification of the subsidy agreement may be requested by the adopted parents at any time.

A child who is a resident of the [State] when eligibility for subsidy is certified shall remain eligible and receive subsidy, if necessary for adoption, regardless of the domicile or residence of the adopting parents at the time of application for adoption, placement, legal decree of adoption or thereafter.

All records shall be confidential and may be disclosed only in accordance with the [relevant provisions of the State Adoption Act.]"

Comparative Analysis

C. Re: Administrative Provisions

1. Table VI deals with nine (9) possible administrative provisions, seven (7) of which are found in the Model Act. Only one of the Model Act provisions, the requirement for an annual or periodic review, is found in a large number (25) of the jurisdictions.

Alaska	Idaho	Nevada	Washington
Arizona	Indiana	New Jersey	
California	Kansas	New Mexico	
Colorado	Maine	Ohio	
Connecticut	Maryland	Oregon	
District of Columbia	Massachusetts	South Carolina	
Florida	Michigan	Texas	
Georgia	Missouri	Virginia	

a. Only three (3) of the above states, Florida, Indiana and Michigan conform with the Model Act by requiring an annual sworn statement from parents that the conditions that caused the child to be eligible for subsidy continue to exist.

b. Missouri is unique in requiring: "... that a subsidized family which has moved its residence from the state of Missouri shall as a condition for the continuance of the granted subsidy, submit to the juvenile court...an affivadit by the thirtieth day of March of each year...listing...all the assets of the subsidized family and a statement of the amounts paid for expenses for the care and maintenance of the adopted child in the preceding year."

c. Five (5) other states require recipients to provide the Department annually with certain information, but do not statutorily require a sworn statement.

Maryland - "...written annual certification..."

Massachusetts - "copies of federal and state income tax return and a financial statement which includes full disclosure of assets and liabilities"

South Carolina - "... annual written certification that child remains under parents care..."

Virginia - "adoptive parents have a duty to notify the local board of any change in financial situation which would affect terms of agreement."

Washington - "so long as any adoptive parent is receiving support..shall not later than two weeks after it is filed with the United States Government, file with the secretary a copy of his federal income tax return."

2. The next most frequently appearing provision "qualification by Department for subsidy prior to adoption" is found in fourteen (14) jurisdictions:

Alaska, Colorado, Connecticut, District of Columbia, Iowa, Kentucky, Maryland, Nevada, New Jersey, Ohio, Oregon, South Carolina, South Dakota, and Virginia.

3. The Model Act refers to certification of a child as eligible for subsidy by the Department. Pennsylvania and South Carolina are the only states to employ such language.

4. Fourteen (14) jurisdictions require an agreement between the adopting parents and the Department prior to adoption:

Arizona, Connecticut, District of Columbia, Maine, Maryland, Massachusetts, Nevada, New Mexico, Missouri, Ohio, South Carolina, Virginia, Washington and Wisconsin.

All except Massachusetts and Virginia specify a written agreement, as does the Model Act.

5. Ten (10) jurisdictions follow the Model Act and specify that the subsidy may continue if the family moves from the jurisdiction:

Colorado, District of Columbia, Indiana, Maine, Maryland, Michigan, Missouri, South Carolina, Virginia and Washington.

6. Only Arizona, South Carolina and Washington explicitly provide for the confidentiality of all subsidized adoption records, as does the Model Act.

MODEL ACT

VIII. Appeals: "Any subsidy decision by the [Department of Social Services] which the placement agency or the adoptive parents deem adverse to the child shall be reviewable according to the provisions of the [State administrative procedure.]

Comparative Analysis

Only nine (9) jurisdictions expressly provide for appeals within their subsidized adoption statute:

Arizona, District of Columbia, Colorado, Kansas, Maryland, New Mexico, Oregon, South Carolina, and Washington.

TABLE VII - ADMINISTRATIVE DIRECTIVES

MODEL ACT

IX. Promulgation of Regulations: "The [Department of Social Services] shall promulgate Regulations consistent with this Act within [_____] days of its enactment."

Comparative Analysis

1. Thirty-five (35) jurisdictions state that the Department may or shall establish rules and regulations. Only seven (7) states are silent:

   Alaska, Arizona, California, Indiana, Michigan, Missouri and New Jersey.

2. Eighteen (18) jurisdictions refer to a program being established and administered:

   Alaska, Arizona, California, Colorado, Florida, Idaho, Kentucky, Maine, Maryland, Montana, New Jersey, New Mexico, South Carolina, Texas, Utah, Virginia, Washington and Wisconsin.

3. In four (4) states the program may be administered by any licensed adoption agency:

   Alaska, California, Kansas and Texas.

4. Eight (8) jurisdictions are required to keep records and evaluate the effectiveness of the program:

California, District of Columbia, Idaho, Iowa, Montana, Texas and Washington.

5. Four (4) jurisdictions direct dissemination of information about the availability of assistance:

   California, District of Columbia, Idaho and Texas.

6. Six (6) jurisdictions require a report to the legislature or the governor at a stated time:

   District of Columbia: annual progress report "which shall be open to the public for inspection."

   Florida: "...annual reports to the legislature by Jan. 1..."

   Iowa: a cost benefit analysis to the assembly by 4/1/72.

   Montana: an annual report to the governor.

   Ohio: a cost benefit of assistance to the General Assembly.

   Washington: "a full report to the legislature during the 1973 and 1975 legislative sessions concerning such pilot project including an analysis...of any saving in foster care and institutional care for 'hard-to-place' children realized and estimated to be realized in the future as a result of a program of adoption support..."

MODEL ACT

X. Short Title: "This Act should be known and may be cited as the [State] Subsidized Adoption Act."

Effective Date: "This Act shall take effect on[_____]"

Comparative Analysis

1. Of the ten (10) jurisdictions:

   California, Colorado, Indiana, Kansas, Maryland, New Jersey, Maine, Pennsylvania, South Carolina and Washington.

   that have separate chapters or acts, only California, Maryland and Washington have a short title.

2. Nine (9) statutes have clauses concerning their effective dates:

   California, Colorado, District of Columbia, Florida, Kansas, Maryland, New Jersey, North Carolina and South Carolina.

Table I – Basic Elements

	Separate Chapter			Purpose			Definits		Administration			Funding		Eligibility		Terms		Reg. S		Short Title	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
MODEL ACT	X		X		X	X	X		X		X	X	X	X	X	X	X	X		X	
Alaska		X		X			X		X			X		X	X	X	X	X			X
Arizona		X		X	X		X		X		X	X	X	X	X	X	X	X			X
California	X		X			X	X		X			X	X	X	X	X	X		X	X	
Colorado	X		X		X		X		X		X	X	X	X	X	X	X	X			X
Connecticut		X					X		X			X		X	X	X	X	X			X
Delaware		X					X		X						X			X			X
Dist. of Col.		X			X	X	X		X		X	X	X	X	X	X	X	X			X
Florida		X			X	X	X		X					X	X	X	X	X			X
Georgia		X			X		X		X					X	X		X	X			X
Idaho		X			X	X	X		X				X	X	X	X		X			X
Illinois		X					X		X			X		X	X		X	X			X
Indiana	X		X		X		X			X		X			X	X	X	X			X
Iowa		X		X			X		X			X	X	X	X	X	X	X			X
Kansas	X		X		X	X	X		X		X	X	X	X	X	X	X	X			X
Kentucky		X			X		X		X			X		X	X		X	X			X
Maine	X		X		X		X		X			X		X	X	X	X	X			X
Maryland	X		X		X	X	X		X		X	X	X		X	X	X	X		X	
Massachusetts		X			X	X	X		X			X			X	X	X	X			X
Michigan		X		X			X			X		X			X	X	X		X		X
Minnesota		X					X		X			X		X	X		X	X			X
Missouri		X			X		X			X		X		X	X	X	X		X		X
Montana		X			X	X	X		X			X		X	X		X	X			X
Nebraska		X		X	X		X		X			X		X	X	X		X			X

Table I – Basic Elements

Chapter	Purpose			Definits		Administration			Funding		Eligibility		Terms		Reg. S		Short Title	
C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
X		X	X	X		X		X	X	X	X	X	X	X	X		X	
	X			X		X			X		X	X	X	X	X			X
	X	X		X		X		X	X	X	X	X	X	X	X			X
X			X	X		X			X	X	X	X	X	X		X	X	
X		X		X		X		X	X	X	X	X	X	X	X			X
				X		X			X		X	X	X	X	X			X
				X		X						X			X			X
		X	X	X		X		X	X	X	X	X	X	X	X			X
		X	X	X		X					X	X		X	X			X
		X		X		X					X	X		X	X			X
		X	X	X		X				X	X	X	X		X			X
				X		X			X		X	X		X	X			X
X		X		X			X		X			X	X	X		X		X
	X			X		X			X	X	X	X	X	X	X			X
X		X	X	X		X		X	X	X	X	X	X	X	X			X
		X		X		X			X		X	X		X	X			X
X		X		X		X			X		X	X	X	X	X			X
X		X	X	X		X		X	X	X		X	X	X	X		X	
		X	X	X		X			X			X	X	X	X			X
	X			X			X		X			X	X	X		X		X
		X		X		X			X		X	X		X	X			X
		X		X			X		X		X	X	X	X		X		X
		X	X	X		X			X		X	X		X	X			X
	X	X		X		X			X		X	X	X		X			X

Table I (continued)

	Separate Chapter			Purpose			Definits		Administration			Funding		Eligibility		Terms		Reg. S		S
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
MODEL ACT	X		X		X	X	X		X		X	X	X	X	X	X	X	X		X
Nevada		X		X			X			X		X		X	X			X		
New Jersey	X		X		X	X	X		X			X		X	X	X	X	X		
New Mexico		X				X	X		X		X		X	X	X	X	X	X		
New York		X					X		X					X	X			X		
North Carolina		X		X	X	X		X										X		
North Dakota		X					X		X			X		X	X	X		X		
Ohio		X			X	X	X		X			X		X	X	X		X		
Oregon		X		X			X		X		X			X	X	X	X	X		
Pennsylvania	X		X	X		X	X		X			X		X	X		X	X		
Rhode Island		X		X			X		X			X		X	X			X		
South Carolina	X		X		X	X	X		X		X	X		X	X	X	X	X		
South Dakota		X		X			X		X			X		X	X	X		X		
Tennessee		X			X		X		X					X	X		X	X		
Texas		X			X	X	X		X			X	X	X	X	X		X		
Utah		X		X			X		X					X	X		X	X		
Vermont		X					X		X			X		X	X			X		
Virginia		X		X	X		X		X			X	X	X	X	X	X	X		
Washington	X		X			X	X		X		X	X	X	X	X	X	X	X		
Wisconsin		X					X		X			X			X		X	X		
TOTALS	10	32	10	13	22	16	41	1	37	4	9	32	12	35	41	27	30	38	4	3

Legend

Separate Chapter	*Purpose*	*Definits*	*Administration*	*Funding*	*Eligibility*	*Terms*	*Reg. S*	*Short*
A – Yes	D – Subtitle	Child	I – Department/Agency	L – Department	N – Parent	P – Duration	R – Yes	T – Y
B – No	E – Preamble	G—Yes	J – Court	M – Other	O – Child	Q – Amount	S – No	U – N
C – Title	F – Clause	H—No	K – Appeals					

eparate Chapter			Purpose			Definits		Administration			Funding		Eligibility		Terms		Reg. S		Short Title	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
X		X		X	X	X		X		X	X	X	X	X	X	X	X		X	
	X		X			X			X		X		X	X			X			X
X		X		X	X	X		X			X		X	X	X	X	X			X
	X				X	X		X		X		X	X	X			X			X
	X					X		X									X			
	X		X	X	X		X													
	X					X		X			X		X	X	X		X			X
	X			X	X	X		X			X		X	X	X		X			X
	X		X			X		X		X			X	X	X	X	X			X
X		X	X		X	X		X			X		X	X		X	X			X
	X		X			X		X			X		X	X	X	X	X			X
X		X		X	X	X		X		X	X		X	X	X		X			X
	X		X			X		X					X	X		X	X			X
	X			X		X		X					X	X	X		X			X
	X			X	X	X		X			X	X	X	X		X	X			X
	X		X			X		X					X	X			X			X
	X					X		X			X	X	X	X	X	X	X			X
	X		X	X		X		X			X	X	X	X	X	X	X		X	
X		X			X	X		X		X	X	X			X		X			X
	X					X		X			X									
10	32	10	13	22	16	41	1	37	4	9	32	12	35	41	27	30	38	4	3	38

Legend

Purpose
D – Subtitle
E – Preamble
F – Clause

Definits
Child
G—Yes
H—No

Administration
I – Department/Agency
J – Court
K – Appeals

Funding
L – Department
M – Other

Eligibility
N – Parent
O – Child

Terms
P – Duration
Q – Amount

Reg. S
R – Yes
S – No

Short Title
T – Yes
U – No

Table II – Purposes

	A	B	C	D	E
MODEL ACT	X	X	X		
Alaska					
Arizona	X				
California	X	X		X	X
Colorado	X		X		
Connecticut					
Delaware					
Dist. of Col.			X		
Florida		X	X	X	
Georgia				X	
Idaho			X	X	
Illinois					
Indiana			X		
Iowa					
Kansas	X	X	X	X	
Kentucky	X				
Maine					
Maryland	X		X		
Massachusetts		X	X		
Michigan			X		
Minnesota					
Missouri					
Montana	X	X	X		X
Nebraska	X		X		
Nevada			X		
New Jersey				X	
New Mexico	X	X			
New York					
North Carolina		X			
North Dakota					
Ohio			X	X	
Oregon			X		
Pennsylvania		X			
Rhode Island					
South Carolina	X		X		
South Dakota	X		X		
Tennessee			X		
Texas		X		X	X
Utah					
Vermont*					
Virginia			X		
Washington		X	X	X	
Wisconsin					
TOTALS	11	10	19	9	3

27 states with stated purposes
14 states with no stated purpose
*Vermont – to protect and promote the welfare of children in the state.

Legend

A – Establish a program of adoption support
B – Promote adoption of "hard-to-place" with special needs
C – Authorize payments for "hard-to-place" with special needs
D – Benefit "hard-to-place" in foster care and save state money
E – Make information available to prospective adoptive parents

Table III – Characterization of Children

	PART A: CATEGORIES							PART B: REASONS										
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
MODEL ACT	X	X	X	X				X	X			X	X	X		X	X	X
Alaska	X			X		X						X	X					
Arizona	X	X	X	X				X	X			X	X	X		X	X	X
California	X				X	X		X	X	X	X	X	X	X	X	X	X	
Colorado							X					X	X	X				
Connecticut	X				X				X			X	X			X	X	
Delaware	X																	
Dist. of Col.	X				X		X	X	X			X	X			X	X	
Florida	X			X	X		X		X	X		X	X	X		X		X
Georgia	X			X	X	X			X	X		X	X	X		X		
Idaho	X				X	X		X	X	X		X	X	X	X	X	X	
Illinois	X				X	X						X	X			X		
Indiana	X				X	X		X	X	X	X	X	X	X	X	X	X	
Iowa	X				X	X						X	X	X		X	X	
Kansas	X				X	X		X	X			X	X			X		
Kentucky					X							X	X			X		
Maine	X	X		X														
Maryland	X	X	X					X	X			X	X	X		X	X	X
Massachusetts	X			X														
Michigan	X																	
Minnesota	X			X								X						
Missouri	X			X		X		X	X			X	X	X		X	X	
Montana					X	X		X	X	X	X	X						
Nebraska	X			X			X						X			X		
Nevada	X						X		X			X		X				

Table III – Characterization of Children

PART A: CATEGORIES							PART B: REASONS											
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
X	X	X	X				X	X			X	X	X		X	X	X	X
X			X		X						X	X						
X	X	X	X				X	X			X	X	X		X	X	X	
X				X	X		X	X	X	X	X	X	X	X	X	X		
						X					X	X	X					X
X				X				X			X	X			X	X		
X																		X
X				X		X	X	X			X	X			X	X		X
X			X	X		X		X	X		X	X	X		X		X	
X			X	X	X			X	X		X	X	X		X			
X				X	X		X	X	X		X	X	X	X	X	X		
X				X	X						X	X			X			X
X				X	X		X	X	X	X	X	X	X	X	X	X		
X				X	X						X	X	X		X	X		X
X				X	X		X	X			X	X			X			
				X							X	X			X			
X	X		X															
X	X	X					X	X			X	X	X		X	X	X	X
X			X															
X																		X
X			X								X							X
X			X		X		X	X			X	X	X		X	X		
				X	X		X	X	X	X	X							
X			X			X						X			X			
X						X		X			X		X					

Table III — Characterization of Children (continued)

	PART A: CATEGORIES							PART B: REASONS										
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
MODEL ACT	X	X	X	X				X	X			X	X	X		X	X	
New Jersey	X				X				X			X	X			X	X	
New Mexico			X		X				X			X	X	X		X	X	
New York	X				X	X	X					X						
North Carolina	X				X							X	X			X		
North Dakota				X			X						X	X		X		
Ohio					X		X		X			X	X			X	X	
Oregon	X					X	X		X			X				X	X	
Pennsylvania	X	X			X			X				X	X	X		X	X	
Rhode Island					X	X												
South Carolina	X	X	X	X	X	X		X	X			X	X	X		X	X	X
South Dakota				X			X											
Tennessee					X		X					X	X	X				
Texas	X				X	X		X	X	X	X	X	X	X	X	X	X	
Utah	X				X	X						X				X		
Vermont	X																	
Virginia						X	X		X			X	X	X		X	X	
Washington	X				X			X	X	X	X	X	X	X		X	X	
Wisconsin	X																	
TOTALS	32	5	4	11	24	17	12	13	20	7	5	32	28	19	4	26	18	

Legend

Part A: Categories
A – Under Agency Care
B – Legally Free for Adoption
C – Special Circumstances
D – Adoption Unlikely
E – Hard-to-Place
F – Handicapped
G – With Special Need

Part B: Reasons
H – Ethnic Background
I – Race
J – Color
K – Language
L – Physical
M – Mental
N – Emotional
O – Medical
P – Age
Q – Sibling Group
R – Emotional Ties
S – Other

Table III — Characterization of Children (continued)

RT A: CATEGORIES						PART B: REASONS											
C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
X	X				X	X			X	X	X		X	X	X	X
		X				X			X	X			X	X		X
X		X				X			X	X	X		X	X		
		X	X	X					X							X
		X							X	X			X			X
	X			X						X	X		X			
		X		X		X			X	X			X	X		
			X	X		X			X				X	X		
		X			X				X	X	X		X	X		
		X	X													
X	X	X	X		X	X			X	X	X		X	X	X	X
	X			X												X
		X		X					X	X	X					X
		X	X		X	X	X	X	X	X	X	X	X	X		X
		X	X						X				X			X
			X	X		X			X	X	X		X	X		
		X	X		X	X	X	X	X	X	X		X	X		X
5	4	11	24	17	12	13	20	7	5	32	28	19	4	26	18	4	19

Legend

Part B: Reasons

- H – Ethnic Background
- I – Race
- J – Color
- K – Language
- L – Physical
- M – Mental
- N – Emotional
- O – Medical
- P – Age
- Q – Sibling Group
- R – Emotional Ties
- S – Other

- Adoption
- tances
- ely
- E – Hard-to-Place
- F – Handicapped
- G – With Special Need

Table IV – Funding

	PART A: SOURCE			PART B: SEEK		
	State	County	Uniden-tified	Fed'l	Private gifts	Grants
MODEL ACT	X					
Alaska	X					
Arizona	X					
California		X		X	X	X
Colorado	X			X		
Connecticut	X					
Delaware			X			
Dist. of Col.	X			X	X	X
Florida			X			
Georgia			X			
Idaho			X		X	X
Illinois	X					
Indiana		X				
Iowa	X				X	X
Kansas	X			X	X	
Kentucky	X					
Maine	X					
Maryland	X					
Massachusetts	X					
Michigan	X	X				
Minnesota	X	X				
Missouri	X					
Montana	X	X				
Nebraska	X					
Nevada	X					
New Jersey			X			
New Mexico			X			
New York			X			
North Carolina	X			X		X
North Dakota	X	X				
Ohio		X -				
Oregon			X			
Pennsylvania	X					
Rhode Island	X					
South Carolina	X					
South Dakota	X					
Tennessee			X			
Texas		X		X	X	X
Utah			X			
Vermont	X					
Virginia	X	X		X	X	X
Washington	X			X	X	X
Wisconsin	X					
TOTALS	28	9	10	8	8	8

Table IV – Funding

	PART A: SOURCE			PART B: SEEK		
	State	County	Unidentified	Fed'l	Private gifts	Grants
MODEL ACT	X					
Alaska	X					
Arizona	X					
California		X		X	X	X
Colorado	X			X		
Connecticut	X					
Delaware			X			
Dist. of Col.	X			X	X	X
Florida			X			
Georgia			X			
Idaho			X		X	X
Illinois	X					
Indiana		X				
Iowa	X				X	X
Kansas	X			X	X	
Kentucky	X					
Maine	X					
Maryland	X					
Massachusetts	X					
Michigan	X	X				
Minnesota	X	X				
Missouri	X					
Montana	X	X				
Nebraska	X					
Nevada	X					
New Jersey			X			
New Mexico			X			
New York			X			
North Carolina	X			X		X
North Dakota	X	X				
Ohio		X -				
Oregon			X			
Pennsylvania	X					
Rhode Island	X					
South Carolina	X					

Table V – Adoptive Subsidies: Eligibility

	FOR: CHILDREN					FOR: PARENTS					TO COVER:									
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
MODEL ACT	X	X	X		X	X						X		X						
Alaska		X	X				X					X								
Arizona	X	X	X		X	X	X	X	X			X	X	X						
California				X			X		X	X	X	X								
Colorado			X		X			X			X		X		X				X	
Connecticut		X	X	X				X	X				X	X						
Delaware			X						X				X							
Dist. of Col.			X	X	X		X	X			X	X	X	X	X	X	X	X		
Florida	X		X	X	X	X		X	X				X	X	X					
Georgia				X				X					X	X	X					
Idaho				X				X					X		X					
Illinois			X						X					X						X
Indiana				X					X				X		X					
Iowa			X					X	X			X	X	X	X	X		X	X	
Kansas			X	X				X	X				X	X	X					
Kentucky			X				X	X					X		X					
Maine		X	X		X		X	X			X		X	X						
Maryland	X	X	X		X	X			X				X	X						
Massachusetts		X	X						X				X		X					
Michigan			X				X					X	X		X					
Minnesota			X	X			X						X							
Missouri			X						X				X	X	X	X	X		X	
Montana			X										X	X	X					
Nebraska		X	X		X			X					X	X	X					
Nevada					X			X	X			X	X							
New Jersey			X	X				X					X		X				X	X

Table V — Adoptive Subsidies: Eligibility

	FOR: CHILDREN					FOR: PARENTS					TO COVER:										
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
	X	X	X		X	X						X		X							
		X	X				X					X									
	X	X	X		X	X	X	X	X			X	X	X							
				X			X		X	X	X	X									
			X		X			X			X		X		X				X		
		X	X	X				X	X				X	X							
			X						X				X								
			X	X	X		X	X			X	X	X	X	X	X	X	X			
	X		X	X	X	X		X	X				X	X	X						
				X				X					X	X	X						
				X				X					X		X						
			X						X					X						X	
				X					X				X		X						
			X					X	X			X	X	X	X	X		X	X		
			X	X				X	X				X	X	X						
			X				X	X					X		X						
		X	X		X		X	X			X		X	X							X
	X	X	X		X	X			X				X	X							
		X	X						X				X		X						
			X				X					X	X		X						
			X	X			X						X								
			X						X				X	X	X	X	X		X		
			X										X	X	X						
		X	X		X			X					X	X	X						
					X			X	X			X	X								
			X	X				X					X		X				X	X	

Table V (continued)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
New Mexico			X	X	X			X			X		X		X				X
New York									X					X	X		X		
North Carolina				X	X									X					
North Dakota		X			X			X			X		X		X	X			
Ohio					X			X					X		X		X		
Oregon				X	X			X					X		X				X
Pennsylvania			X	X							X		X		X		X		
Rhode Island				X					X										
South Carolina	X		X		X	X						X		X	X			X	
South Dakota		X			X			X					X		X	X			
Tennessee				X	X				X		X			X	X		X		
Texas			X	X			X		X	X	X	X							
Utah			X						X			X							
Vermont			X				X					X							
Virginia			X		X			X			X		X	X	X	X	X	X	X
Washington		X	X	X				X			X	X	X						
Wisconsin		X	X										X						
TOTALS:	4	11	29	18	17	4	10	21	18	2	11	12	31	18	25	6	7	4	7

Legend

For Children:
- A – Significant emotional ties between child and foster parents seeking to adopt
- B – No appropriate adoptive family can be found without use of a subsidy
- C – Under agency care, legally free for adoption
- D – Hard-to-place
- I – With special needs/in special circumstances

For Parents:
- F – Foster parents seeking to adopt when significant emotional ties exist
- G – Foster parents of child in their care
- H – Without economic means
- I – Adoptive parents of hard-to-place
- J – Adoptive parents from lower economic/disadvantaged groups

To Cover:
- K – Adoption
- L – Financial Assistance
- M – Maintenance Care
- N – Special Services
- O – Medical & Surgical
- P – Dental
- Q – Psychiatric
- R – Therapeutic
- S – Educational
- T – Appliances
- U – Remedial

tinued)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
			X	X	X			X			X		X		X				X		
									X					X	X		X				
na				X	X									X							
a		X			X			X			X		X		X	X					
					X			X					X		X		X				
				X	X			X					X		X				X		
			X	X							X		X		X		X				
d				X					X												
ina	X		X		X	X						X		X	X			X			
ta		X			X			X					X		X						
				X	X				X		X			X	X		X				
			X	X			X		X	X	X	X								X	
			X						X			X									X
			X				X					X									
			X		X			X			X		X	X	X	X	X	X	X		
		X	X	X				X			X	X	X								
		X	X										X								
	4	11	29	18	17	4	10	21	18	2	11	12	31	18	25	6	7	4	7	3	2

Legend

en:
icant emotional ties between child and foster parents seeking to adopt
propriate adoptive family can be found without use of a subsidy
agency care, legally free for adoption
to-place
pecial needs/in special circumstances

ts:
parents seeking to adopt when significant emotional ties exist
r parents of child in their care
ut economic means
tive parents of hard-to-place
tive parents from lower economic/disadvantaged groups

To Cover:
K – Adoption
L – Financial Assistance
M – Maintenance Care
N – Special Services
O – Medical & Surgical
P – Dental
Q – Psychiatric
R – Therapeutic
S – Educational
T – Appliances
U – Remedial

Table VI – Adoptive Subsidies: Terms and Provisions

	AMOUNT				DURATION				ADMINISTRATIVE PROVISIONS								
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
MODEL ACT	X	X		X		X	X		X		X		X	X	X	X	X
Alaska	X	X					X	X		X			X				
Arizona	X	X		X							X		X			X	X
California		X				X							X				
Colorado		X						X		X			X		X	X	
Connecticut		X	X					X		X	X		X				
Delaware					X												
Dist. of Col.	X	X	X				X	X		X	X		X		X	X	
Florida		X				X		X					X	X			
Georgia		X	X		X								X	X			
Idaho		X				X	X						X				
Illinois	X	X			X												
Indiana	X	X					X	X				X	X	X	X		
Iowa		X	X					X		X							
Kansas		X						X					X			X	
Kentucky		X			X					X							
Maine	X	X						X			X		X		X		
Maryland	X	X		X			X			X	X		X		X	X	
Massachusetts		X	X				X				X		X	X			
Michigan			X					X				X	X	X	X		
Minnesota	X				X												
Missouri		X				X	X				X	X	X	X	X		
Montana		X			X												
Nebraska								X									
Nevada										X	X	X	X				
New Jersey		X						X		X			X				

Table VI – Adoptive Subsidies: Terms and Provisions

	AMOUNT				DURATION				ADMINISTRATIVE PROVISIONS								
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
MODEL ACT	X	X		X		X	X		X		X		X	X	X	X	X
Alaska	X	X					X	X		X			X				
Arizona	X	X		X							X		X			X	X
California		X				X							X				
Colorado		X						X		X			X		X	X	
Connecticut		X	X					X		X	X		X				
Delaware					X												
Dist. of Col.	X	X	X				X	X		X	X		X		X	X	
Florida		X				X		X					X	X			
Georgia		X	X		X								X	X			
Idaho		X				X	X						X				
Illinois	X	X			X												
Indiana	X	X					X	X				X	X	X	X		
Iowa		X	X					X		X							
Kansas		X						X					X			X	
Kentucky		X			X					X							
Maine	X	X						X			X		X		X		
Maryland	X	X		X			X			X	X		X		X	X	
Massachusetts		X	X				X				X		X	X			
Michigan			X					X				X	X	X	X		
Minnesota	X				X												
Missouri		X				X	X				X	X	X	X	X		
Montana		X			X												
Nebraska								X									
Nevada										X	X	X	X				
New Jersey		X						X		X			X				

Table VI (continued)

	AMOUNT				DURATION				ADMINISTRATIVE PROVISIONS								
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
MODEL ACT	X	X		X		X	X		X		X		X	X	X	X	X
New Mexico		X						X			X		X			X	
New York								X									
North Carolina																	
North Dakota								X									
Ohio								X		X	X		X				
Oregon		X						X		X			X			X	
Pennsylvania		X	X		X				X								
Rhode Island					X												
South Carolina	X	X		X			X		X	X	X		X		X	X	X
South Dakota								X		X							
Tennessee	X	X			X												
Texas		X			X	X							X				
Utah					X												
Vermont					X												
Virginia		X						X		X	X		X	X	X		
Washington	X						X				X		X	X	X	X	X
Wisconsin		X			X						X						
TOTALS	11	28	7	3	13	5	9	19	2	14	14	4	25	7	10	9	3

Legend

Amount
A – May vary
B – Not more than foster care
C – Only if no other resources
D – Reasonable fee for services

Duration
E – Nothing
F – Limited
G – Unlimited
H – Mandatory cut-off

Administrative Provisions
I – Certification of child by department
J – Qualification by department prior to adoption
K – Written agreement prior to adoption
L – Via court order
M – Annual or periodic review
N – Annual sworn statement required from adoptive parents
O – Continues if leave state
P – Appeal
Q – Confidentiality of records

Table VI (continued)

	AMOUNT				DURATION				ADMINISTRATIVE PROVISIONS								
	A	B	C	D	F	F	G	H	I	J	K	L	M	N	O	P	Q
MODEL ACT	X	X		X		X	X		X		X		X	X	X	X	X
New Mexico		X						X			X		X			X	
New York								X									
North Carolina																	
North Dakota								X									
Ohio								X		X	X		X				
Oregon		X						X		X			X			X	
Pennsylvania		X	X		X				X								
Rhode Island					X												
South Carolina	X	X		X			X		X	X	X		X		X	X	X
South Dakota								X		X							
Tennessee	X	X			X												
Texas		X			X	X							X				
Utah					X												
Vermont					X												
Virginia		X						X		X	X		X	X	X		
Washington	X						X				X		X	X	X	X	X
Wisconsin		X			X						X						
TOTALS	11	28	7	3	13	5	9	19	2	14	14	4	25	7	10	9	3

Legend

Amount
A – May vary
B – Not more than foster care
C – Only if no other resources
D – Reasonable fee for services

Duration
E – Nothing
F – Limited
G – Unlimited
H – Mandatory cut-off

Administrative Provisions
I – Certification of child by department
J – Qualification by department prior to adoption
K – Written agreement prior to adoption
L – Via court order
M – Annual or periodic review
N – Annual sworn statement required from adoptive parents
O – Continues if leave state
P – Appeal
Q – Confidentiality of records

Table VII – Administrative Directives

	A	B	C	D	E	F
MODEL ACT	X	X				
Alaska	X		X			
Arizona	X					
California	X		X	X	X	
Colorado	X	X				
Connecticut		X				
Delaware		X				
Dist. of Col.		X		X	X	X
Florida	X			X		X
Georgia		X				
Idaho	X	X		X	X	
Illinois		X				
Indiana						
Iowa		X		X		X
Kansas		X	X			
Kentucky	X	X				
Maine	X	X				
Maryland	X	X				
Massachusetts		X				
Michigan						
Minnesota		X				
Missouri						
Montana	X	X		X		X
Nebraska		X				
Nevada		X				
New Jersey	X					
New Mexico	X	X				
New York		X				
North Carolina		X				
North Dakota		X				
Ohio		X				X
Oregon		X				
Pennsylvania		X				
Rhode Island		X				
South Carolina	X	X				
South Dakota		X				
Tennessee		X				
Texas	X	X	X	X	X	
Utah	X	X				
Vermont		X				
Virginia	X	X				
Washington	X	X		X		X
Wisconsin	X	X				
TOTALS:	18	34	4	8	4	6

Legend

A – Shall establish and administer program

B – May establish rules and regulations

C – Any licensed adoption agency may administer

D – Department shall keep records and evaluate

E – Department shall disseminate information

F – Department shall report